

110TH CONGRESS  
2D SESSION

# S. 533

To amend the National Aquaculture Act of 1980 to prohibit the issuance of permits for marine aquaculture facilities until requirements for the permits are enacted into law.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 8, 2007

Ms. MURKOWSKI introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To amend the National Aquaculture Act of 1980 to prohibit the issuance of permits for marine aquaculture facilities until requirements for the permits are enacted into law.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Natural Stock Con-  
5       servation Act of 2007”.

6       **SEC. 2. PROHIBITION ON PERMITS FOR AQUACULTURE.**

7       The National Aquaculture Act of 1980 (16 U.S.C.  
8       2801 et seq.) is amended—

1           (1) by redesignating sections 10 and 11 (16  
2       U.S.C. 2809, 2810) as sections 11 and 12 respec-  
3       tively; and

4           (2) by inserting after section 9 (16 U.S.C.  
5       2808) the following:

6       **“SEC. 10. PROHIBITION ON PERMITS FOR AQUACULTURE.**

7           “(a) DEFINITIONS.—In this section:

8               “(1) AGENCY WITH JURISDICTION TO REGU-  
9       LATE AQUACULTURE.—The term ‘agency with juris-  
10      diction to regulate aquaculture’ means—

11                   “(A) the Department of Agriculture;

12                   “(B) the Coast Guard;

13                   “(C) the Department of Commerce;

14                   “(D) the Environmental Protection Agen-  
15      cy;

16                   “(E) the Department of the Interior; and

17                   “(F) the Army Corps of Engineers.

18               “(2) EXCLUSIVE ECONOMIC ZONE.—The term  
19      ‘exclusive economic zone’ has the meaning given the  
20      term in section 3 of the Magnuson-Stevens Fishery  
21      Conservation and Management Act (16 U.S.C.  
22      1802).

23               “(3) REGIONAL FISHERY MANAGEMENT COUN-  
24      CIL.—The term ‘regional fishery management coun-  
25      cil’ means a regional fishery management council es-

1        tablished under section 302(a) of the Magnuson-Ste-  
 2        vens Fishery Conservation and Management Act (16  
 3        U.S.C. 1852(a)).

4        “(b) PROHIBITION ON PERMITS FOR AQUA-  
 5 CULTURE.—The head of an agency with jurisdiction to  
 6 regulate aquaculture may not issue a permit or license to  
 7 permit an aquaculture facility located in the exclusive eco-  
 8 nomic zone to operate until after the effective date of a  
 9 bill enacted into law that—

10            “(1) sets out the type and specificity of the  
 11            analyses that the head of an agency with jurisdiction  
 12            to regulate aquaculture shall carry out prior to  
 13            issuing any such permit or license, including anal-  
 14            yses related to—

15                    “(A) disease control;

16                    “(B) structural engineering;

17                    “(C) pollution;

18                    “(D) biological and genetic impacts;

19                    “(E) access and transportation;

20                    “(F) food safety; and

21                    “(G) social and economic impacts of the  
 22            facility on other marine activities, including  
 23            commercial and recreational fishing; and

24            “(2) requires that a decision to issue such a  
 25            permit or license be—

1           “(A) made only after the head of the agen-  
2           cy that issues the license or permit consults  
3           with the Governor of each State located within  
4           a 200-mile radius of the aquaculture facility;  
5           and

6           “(B) approved by the regional fishery man-  
7           agement council that is granted authority under  
8           title III of the Magnuson-Stevens Fishery Con-  
9           servation and Management Act (16 U.S.C.  
10          1851 et seq.) over a fishery in the region where  
11          the aquaculture facility will be located.”.

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